

PUBLIC CHAPTER NO. 1111

SENATE BILL NO. 2399

By Raymond Finney, Marrero, Ford

Substituted for: House Bill No. 2808

**By Sontany, Maggart, Swafford, Hardaway, Cooper, Overbey, Harry
Brooks, Armstrong, Tindell, Sargent, Crider**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 131, Part 1,
relative to hazardous substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Haley Ham
Law".

SECTION 2. Tennessee Code Annotated, Section 68-131-102, is
amended by adding the following language as a new, appropriately designated
subdivision:

() "Bittering agent" means denatonium benzoate;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 131, Part 1, is
amended by adding the following language as a new section:

§ 68-131-113.

(a) Any and all antifreeze or engine coolant containing at least ten
percent (10%) ethylene glycol which is manufactured on or after January
1, 2010, shall contain a bittering agent in a minimum concentration of
thirty parts per million (30 p.p.m.) but not to exceed a maximum
concentration of fifty parts per million (50 p.p.m.).

(b) No manufacturer, processor, distributor, recycler or seller of
antifreeze or engine coolant containing at least ten percent (10%)
ethylene glycol which complies with this section in this state shall be liable
for any personal injury, death, property damage, environmental damage
or economic loss caused by the required inclusion of the bittering agent to
such antifreeze or engine coolant. The limitation on liability provided in
this subsection (b) does not apply to a particular liability to the extent that
the cause of such liability is unrelated to the inclusion of denatonium
benzoate in any engine coolant or antifreeze.

(c) The requirements of this section shall not be construed to apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

(d) Any person violating the provisions of this section commits a Class C misdemeanor, punishable only by a fine of fifty dollars (\$50.00) per occurrence.

(e) Upon a determination by a federal authority that denatonium benzoate is unsuitable for use or a determination by a state authority that denatonium benzoate is unsuitable for use based on a threat to health and safety or the environment, the commissioner of agriculture shall establish by rulemaking hearing as required by the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, Part 2, a bittering agent that shall be required instead; provided, however, that the initial rules establishing such bittering agent shall be promulgated as emergency rules in compliance with § 4-5-208.

SECTION 4. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 20, 2008


 RON RAMSEY
 SPEAKER OF THE SENATE


 JIMMY NAIFEH, SPEAKER
 HOUSE OF REPRESENTATIVES

APPROVED this 13th day of June 2008


 PHIL BREDESEN, GOVERNOR